

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2999 of 1998

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. K.SREEDHARAN
and
MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 : NO

HUSSANBHAI JAMALBHAI MEMON

Versus

CHIEF OFFICER

Appearance:

MR SUDHANSHU S PATEL for Petitioner

CORAM : THE CHIEF JUSTICE MR. K.SREEDHARAN and
MR.JUSTICE A.R.DAVE

Date of decision: 22/04/98

ORAL JUDGEMENT (Per : Sreedharan, CJ)

Second respondent who is the owner of land admeasuring Hec.0-11, 0-26 Acre, comprised in Survey No. 1285, situated within the limits of Sidhpur Nagarpalika had obtained permission for using the said land for non-agriculture purposes. According to the petitioner,

the non-agricultural use of the land permitted was to put up Agro-based cold storage for storage of fertilizer products. On the basis of that sanction, it is averred, that second respondent managed to get permission from Sidhpur Nagarpalika for putting up a Hotel & Guest House. Second respondent carries on the construction of Hotel & Guest House in the property. Petitioner challenges this action by filing the present petition purporting to be a Public Interest Litigation.

Petitioner has rightly questioned the action of 2nd respondent by filing petition before the Collector. The District Collector at the first instance ordered parties to maintain status quo. After hearing the parties in detail that interim order was vacated. Main petition filed by the petitioner before the Collector is pending disposal. While so, petitioner has approached this Court with this petition to take revenge against the second respondent. We do not find any public interest being sought to be put-forth by the petitioner. The action sought to be pursued by the petitioner in this petition can in no circumstances be considered to be one based on public interest. On this short ground, we dismiss the same as not maintainable. Petition stands dismissed with no order as to costs.

(K. Sreedharan, CJ.)

(A.R Dave, J.)

Prakash*